

13 April 2021

Our Ref: 1440606  
File Ref: 05/APP/02  
Enquiries: Matthew Kelly

Grand Secret Pty Ltd  
C/- Abbey Feldt  
Milford Planning  
PO Box 5463  
**TOWNSVILLE QLD 4810**

Sent via email: [info@milfordplanning.com.au](mailto:info@milfordplanning.com.au)

Dear Ms. Feldt

### **Decision Notice – Approval**

(Given under Section 63 of the *Planning Act 2016*)

The assessment manager wishes to advise that the application was approved under delegated authority on 13 April 2021. The approval is subject to reasonable and relevant conditions and supported by a notice of reasons as detailed below:

#### **Applicant details**

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Applicant name: Grand Secret Pty Ltd C/- Abbey Feldt Milford Planning

#### **Location details**

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Street address: 1-21 Towers Street, Grand Secret QLD 4820  
Real property description: Lot 145 on SP 305762  
Current lawful use: Animal Husbandry (Grazing)

#### **Application details**

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Application number: RL21/36  
Approval type: Development Permit  
Development type: Reconfiguring a Lot  
Category of assessment: Code Assessment  
Description of development: One into Eighteen Lots  
Definition of use: N/A  
Categorising instrument: Charters Towers Regional Town Plan Version 2

#### **1. Details of the approval**

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Details of the approval are listed below in accordance with the *Planning Regulation 2017*.



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	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 2. Conditions of approval

Condition Number	Condition	Timing										
Approved Plans/Documents												
1.	<div>Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:</div> <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Reference No:</th><th>Revision:</th></tr><tr><td>Grand Secret: RAL Proposal Plan 1 into 19 Lots Cancelling Lot 145 SP305762</td><td>RPS Group</td><td>25 February 2021</td><td>148689 – 12</td><td>-</td></tr></table>	Drawing Title:	Prepared by:	Date:	Reference No:	Revision:	Grand Secret: RAL Proposal Plan 1 into 19 Lots Cancelling Lot 145 SP305762	RPS Group	25 February 2021	148689 – 12	-	At all times
Drawing Title:	Prepared by:	Date:	Reference No:	Revision:								
Grand Secret: RAL Proposal Plan 1 into 19 Lots Cancelling Lot 145 SP305762	RPS Group	25 February 2021	148689 – 12	-								
General												
2.	<div>a) Comply with all conditions within this Development Permit with conditions prevailing over the approved plan(s) in all instances</div> <div>b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and</div> <div>c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.</div>	At all times										
Environmental												
3.	Ensure that erosion and sedimentation control management is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's storm water drainage system. Erosion and sediment control is to be in accordance with <i>International Erosion Control Association – Best Practice Erosion &amp; Sediment Control guidelines</i> and the <i>Queensland Urban Drainage Manual 2017</i> .	At all times										
4.	The construction of the development (not operation) must be limited to 0630—1830 Monday to Saturday and not at all on Sunday and public holidays as per Section 440R of the <i>Environmental Protection Act 1994</i> . Noise generated from construction must be within the limits set by the <i>Environmental Protection Act 1994</i> and the <i>Environmental Protection (Noise) Policy 20019</i> .	At all times										
5.	<div>Ensure that:</div> <div>a) Works occur so they do not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants</div> <div>b) The premises including the adjoining Council controlled road reserve are</div>	As part of Operational Works										



Condition Number	Condition	Timing
	kept in a safe, clean and tidy state, and c) All construction materials are contained wholly within the premises.	
<b>Operational Works</b>		
6.	A Development Permit for Operational Works for Road Works (including driveways) must be obtained from Council prior to the commencement of construction.	Prior Construction of Operational works
7.	The Development Application for Operational Works is to be designed and constructed in accordance with Australian Standards, the Development Works Code inclusive of Schedule 4.2 Development Works Planning Scheme Policy of the Charters Towers Regional Town Plan, <i>STRAT0028/Roads Infrastructure Road Risk Management Strategic Policy</i> and any other applicable standards at the time of lodgement. All Operational Works that relate to this development must be accepted as on maintenance by Council.	As part of Operational Works
<b>Transport and Access</b>		
8.	Upgrade and construct View Street for the full frontage of the site in accordance with <i>CTRC-009 Typical rural roads cross section</i> being a Collector Type Road. View Street is to be wholly contained in the road corridor and the intersections of View Street to Sandy Creek Road, Scrubby Creek Road and, Great Britain Road must be upgrade and sealed in consultation with Council.	As part of Operational Works
9.	Construct a driveway crossover at the frontage of each proposed lot in accordance with Council's standard drawing <i>CTRC-001 Roads urban concrete driveways</i> or provide a bond totaling 100% of the total cost of the works for each proposed lot in lieu of construction of each driveway crossover.	As part of Operational Works
<b>Water and Sewer</b>		
10.	Lodge and have approved, an application for connection to water supply as part of the development's connection into Council's controlled water service infrastructure.	Prior to works on Council's water infrastructure
11.	Provide a single water service connection from Council's water supply infrastructure and pay the full cost of a 20mm water meter in the form of a bond for each proposed lot.  <i>Advisory Note: Council will only support single connections from Council's reticulated water main to each proposed lot.</i>	Prior to the lodgement of survey plan for endorsement
<b>Electricity and Telecommunication</b>		
12.	Submit to Council a Certificate of Electricity Supply demonstrating that supply is provided and available to each proposed lot, unless otherwise specified by the provider.	Prior to the lodgement of survey plan for endorsement
13.	Submit to Council a Provisioning of Telecommunication Services demonstrating that supply is provided and available to each proposed lot, unless otherwise specified by the provider.	Prior to the lodgement of survey plan for endorsement
<b>Survey Plan Endorsement</b>		
14.	Lodge to Council, for approval, an application for Survey Plan Endorsement	As part of the



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Condition Number	Condition	Timing
	which includes: a) Payment of application fee in accordance with Council's fees and charges at the time of lodgement b) All survey marks in their correct position in accordance with the Survey Plan c) A compliance report demonstrating compliance with all associated Development Permit(s) d) One copy of the survey plan fully executed for the lodgement with the Titles Office e) Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the <i>Planning Regulation 2017</i> , and f) Payment of any outstanding Adopted Infrastructure Charges.	lodgement of survey plan for endorsement

#### Advisory Notes

##### Scale or Intensity of Use

- A. Any proposal to increase the scale or intensity of the use/new use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the relevant provisions.

##### Local and State Heritage

- B. The Charters Towers Regional Council local government area contains significant Local and State heritage features including stone pitch kerbing and channels and footbridges. Persons damaging or removing Local or State heritage features may be prosecuted and fined with the maximum penalty under the *Planning Act 2016*. Please contact Council prior to commencing any works, to determine if there are any Local or State heritage features within or adjacent to the premises.

##### Aboriginal and Cultural Heritage

- C. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Prior to carrying out works, it is advised that you contact the Department of Aboriginal and Torres Strait Islander Partnerships on (07) 4799 7470 or by post at PO Box 5620 TOWNSVILLE QLD 4810. For further information on cultural heritage duty of care please visit: <https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care>

##### Workplace Health and Safety

- D. Ensure compliance with the *Work Health and Safety Act 2011*. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the *Work Health and Safety Act 2011*. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the *Work Health and Safety Act 2011*. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

##### Environmental nuisance

- E. Ensure compliance with the *Environmental Protection Act 1994*. It states that a person must not carry out



<b>Advisory Notes</b>	
	<p>any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p> <p>Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.</p>
<b>Council Forms, Policies and Drawings</b>	
F.	In achieving compliance with conditions, the following form will need to be completed for this development <a href="#">F0313 – Request for water supply connection or disconnection.</a>

### 3. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of four years.

### 4. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- 1) Operational Works – Road Works (including driveways).

### 5. Referral agencies

There were no referral agencies triggered by Schedule 10 of the Planning Regulation 2017.

### 6. Submission(s)

Properly made submissions were not made in relation this development.

### 7. Notice of reasons

This notice is prepared in accordance with Section 63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

<b>Description of the development:</b>	The proposal is for a Reconfiguration of a Lot (One into Eighteen Lots) at 1-21 Towers Street, Grand Secret QLD more formally described as Lot 145 on SP305762.
<b>Reasons for the decision:</b>	The proposal was assessed against the relevant provisions of the North Queensland Plan 2020 and the Charters Towers Regional Town Plan Version 2 with the proposal found to





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	generally comply. Where issues of noncompliance were found, alternative solutions were proposed to achieve compliance with the Performance Outcomes.	
<b>Assessment benchmarks:</b>	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan including the:	
	1) Natural Environment Overlay Code, and 2) Regional Infrastructure Overlay Code, and 3) Rural Residential Zone Code, and 4) Development Works Code, and 5) Reconfiguring a Lot Code.	
	The proposed development was assessed against all the assessment benchmarks listed about and complies with all with the exceptions listed and responded to below.	
	<b>Assessment benchmark:</b>	<b>Reasons for the approval despite non-compliance with benchmark:</b>
	Regional Infrastructure Overlay Code - Acceptable Outcome 9 and Performance Outcome 9	The Applicant has stated that due to proposal resulting in a Rural Residential reconfiguration and proposed Lot 17 only being impacted by the electricity infrastructure, it is considered that screening is not necessary in this instance. In response, Council's Authorised Officers undertook a site inspection on 31 March 2021 where it was considered that any screening would unlikely achieve the outcomes sought by the Acceptable and Performance Outcomes. As such, it is considered that noncompliance with the Acceptable and Performance Outcomes is acceptable in this instance.
<b>Relevant matters:</b>	Not Applicable	
<b>Matters raised in submissions:</b>	<b>Submission Point:</b>	<b>Council Response:</b>
	Not applicable	Not applicable

## 8. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

## 9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

Should you wish to discuss this matter, please contact Lachlan Deon, Graduate Planner on (07) 4761 5300.





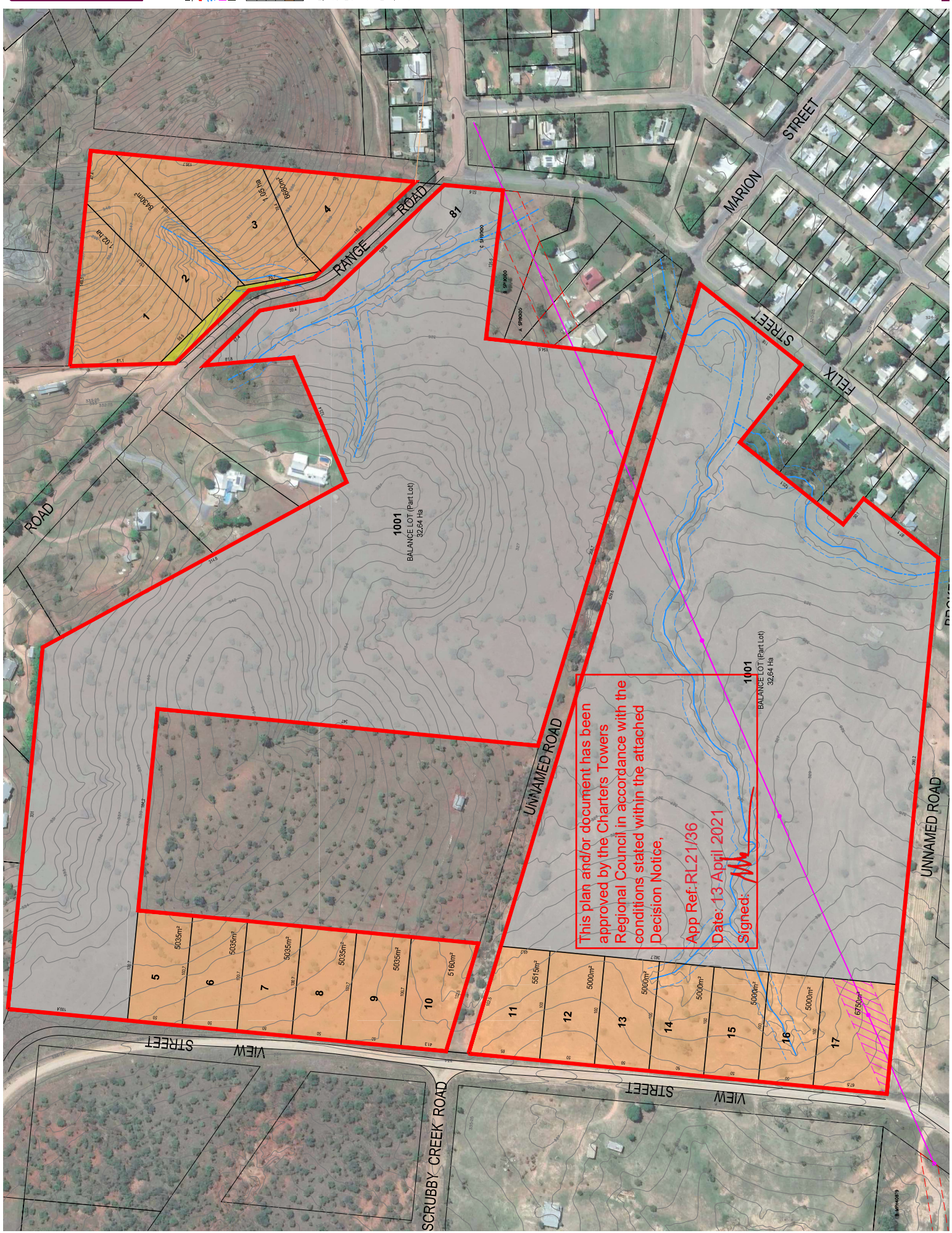
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Yours faithfully

Matthew Kelly  
**Manager Regional Development**







**GRAND SECRET**  
**RAL PROPOSAL PLAN**  
**1 INTO 19 LOTS**  
**CANCELING LOT 145**  
**SP305762**

PLAN REF: 148689 - 12  
DATE: 25 FEBRUARY 2021  
CLIENT: MENDI  
CHECKED BY: MJB

**Legend**

- Site Boundary
- Drainage features, including 10m buffer
- 20m wide positive easement with T&C
- Road widening - width 1.5C

Development Statistics	
Total Site Area	45.14 Ha
Proposed Lot Area	17.17 Ha
Total Lot Area	27.97 Ha
Total Lot Area	27.97 Ha
Balance Lot	1

**Note:**  
All dimensions and areas are for information only and are subject to survey and planning requirements. The dimensions and areas shown on this plan should not be used for final detailed engineering design.

**Source Information:**  
Aerial photography: Google Earth, August 2020



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Enquiries: Lachlan Deon

Grand Secret Pty Ltd  
C/- Abbey Feldt  
Milford Planning  
PO Box 5463  
**TOWNSVILLE QLD 4810**

Sent via email: [info@milfordplanning.com.au](mailto:info@milfordplanning.com.au)

Dear Ms. Feldt

**Infrastructure Charges Notice**  
(Given under Section 119 of the *Planning Act 2016*)

Reference is made to the decision notice which was issued by Council on 13 April 2021. As a result, Council hereby provides this infrastructure charges notice.

**Applicant details**

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Applicant name: Grand Secret Pty Ltd C/- Abbey Feldt Milford Planning

**Location details**

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Street address: 1-21 Towers Street, Grand Secret QLD 4820  
Real property description: Lot 145 on SP 305762

**Application details**

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Application number: RL21/36  
Approval type: Development Permit  
Development type: Reconfiguring a Lot  
Category of assessment: Code Assessment  
Description of development: One into Eighteen Lots  
Categorising instrument: Charters Towers Regional Town Plan Version 2

**Total levied charge payable**

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The total amount payable is **\$84,347.00**. The levied charge will not be subject to an automatic increase and no offset or refund applies.



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Goods and Services Tax (GST) does not apply to payments or contributions made by applicants to Government which relate to an application for the provision, retention, or amendment of a permission, exemption, authority or license (however described) under the *Planning Act 2016*.

### Calculation of charge

The subject site is located across both Charge Areas One and Two. With respect to the credit, the value associated with Charge Area One was applied as this covers more than 50% of the subject site. With respect to proposed Lot 18 being the Balance Lot, as this is located mostly within Charge Area One, the charge for this has been calculated against Charge Area One.

The levied charge has been calculated against the Infrastructure Charges Resolution (No. 3) 2020 which took effect from 28 October 2020 as follows:

**Table One:**

Charge	Quantity	Rate	Gross Charge Amount
New Lots (Charge Area One)	7	\$7,335	\$51,345
		<b>Gross Charge Amount</b>	<b>\$51,345</b>

**Table Two:**

Charge	Quantity	Rate	Gross Charge Amount
New Lots (Charge Area Two)	11	\$3,667	\$40,337
		<b>Gross Charge Amount</b>	<b>\$40,337</b>

**Table Three: Applied Credit**

Credit	Quantity	Rate	Gross Credit Amount
Existing Lot	1	\$7,335	\$7,335
		<b>Gross Credit Amount</b>	<b>\$7,335</b>

**Table Four: Total Charge**

Charge	(Minus) Credit	Net Charge Amount
\$91,682	\$7,335	<b>\$84,347</b>

### When the charge is payable

As per Section 122 of the *Planning Act 2016*, the charge is payable for a Reconfiguration of a Lot prior to Council executing a plan of survey whilst for a Material Change of Use at the commencement of the use.

Notwithstanding the above, this notice stops having effect to the extent that the development approval stops having effect pursuant to Section 85 of the *Planning Act 2016*.

### Methods of payment

Payments can be made either:

- 1) Over the counter at Council's Administration Officer located at 12 Mosman Street, Charters Towers, or



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2) Through Council's nominated bank account being Account No. 00000022 and BSB No. 064-805.

The payment must have the reference number as: ICN RL21/36.

#### Other details

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Pursuant to Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* a person may appeal against an infrastructure charges notice.

Should you wish to discuss this matter, please contact Lachlan Deon, Graduate Planner on (07) 4761 5300.

Yours faithfully



Matthew Kelly  
**Manager Regional Development**

